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LETTER

OF

GEN. A. J. HAMILTON,

OF TEXAS,

TO

THE PRESIDENT OF THE UNITED STATES.

NEW YORK, OCT., 1863.

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THE BUFFALO HISTORY MUSEUM

LOYAL PUBLICATION SOCIETY,

NEW YORK.

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LETTER OF

GEN. A. J. HAMILTON

OF TEXAS,

TO THE PRESIDENT OF THE UNITED STATES.

New York, July 28th, 1863.

My dear Sir,—The deep interest felt by me, as a Southern Union man, in the result of measures adopted by you for the maintenance of the National authority in all the States, by the complete and permanent suppression of the rebellion against the Union and the Constitution, will, I trust, excuse the freedom of this letter and my request for your patient consideration of what I write.

I am sure that your desire to have the great issues involved in the present struggle properly and forever stettled is not less ardent and constant than my own. Our common wish has common roots in our common aspirations for the honor, prosperity, and unity of the Republic; that which you cherish derives peculiar strength from the great responsibilities of the chief magistracy, and that which animates every pulsation of my heart derives a strength not less peculiar from the fact that the rebellion which imperils our country, desolates my once happy home—deprives of their liberties and puts in jeopardy of their lives my family, my kindred, my friends, and my neighbors.

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But it will avail little to procure a temporary adjustment; and I am prompted to address you now because I observe in some quarters indications of a disposition to accept, if not to invite, a peace which would inevitably lead to new convulsions more disastrous than the present.

By some persons of considerable political prominence, and by some leading presses, a systematic effort appears to be put forth to reconcile the public mind to the idea that the future policy of the Government may be formed on the basis of a compromise with the cause of the existing rebellion, which will admit of the re-establishment of slavery in the States where it has been abolished by your proclamation of January last.

To pave the way, apparently, for such a compromise, northern sympathisers with rebellion and some too who cannot justly be so designated, constantly endeavor to impress on the public mind the notion that our National and State Constitutions were made for the white race alone; and that therefore other races can have no rights under them.

No one denies, I believe, that the people of the white race were much more considered in framing our Constitutions than the people of the black race; but the impression sought to be made is that the blacks are *excluded*, by their terms, and by inference, from being regarded as a part of the people for whom they were made.

The proposition so understood I propose briefly to consider; and then to add a few words on the policy to which, it seems to me, it is intended to lead—namely, peace through a full and complete amnesty and the abrogation of your Proclamation of Emancipation.

The Constitutions from which the black population is supposed to be excluded can be only the Federal and State Constitutions.

First, then, is it true of the Constitution of the United States, that it excludes the black race? I have sought in vain for a

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section or provision in that instrument which, in terms, sustains the proposition, or which can, by any possible construction, give color to it. I find, in fact, in the Constitution, the converse of the proposition. The third clause of the second section of the first article of the Constitution, is as follows: "Representatives "and direct taxes shall be apportioned among the several "States which may be included within this Union according to "their respective numbers, which shall be determined by "adding to the whole number of *free persons, including those* "*bound to service for a term of years* and excluding Indians "not taxed, three-fifths of all other persons." The great constituent body which forms the basis of the political department of the Government, is here defined. Of what classes of persons is this body composed? 1st. "*Free persons*," without reference to color or nationality (for no such qualification is expressed, or can be implied), and including in this class of "*free persons*" "those bound to service for a term of years" and "excluding" from the class of "*free persons*" "Indians not taxed;" then added to the body of "*free persons*, including," &c., "three-fifths of *all other persons*," meaning by this description of "all other persons," the slaves of the South. Who then were the "free persons, including those bound to service for a term of years?" They are not *slaves* of whom only three-fifths can be counted—nor are they Indians not taxed. Is it true that they who are white alone belong to this class? Whence comes the idea, and what are the proofs Who were the persons who, for the most part, were held to service for a term of years, at the period of the adoption of the Constitution? I believe it is a part of the history of the country, that in some of the States, at that very time, Africans or their descendants were held to labor for a term of years. If so, they were included in the class of "free persons," in the very *terms* of the provision referred to, and were *intended* to be included. So too the black man who was

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neither held to labor for a term of years nor for life, but who was a "free person," was included in the language and the spirit of the Constitution. To this obvious construction the Southern States have committed themselves, by counting the free blacks among their "*free persons*" in determining their representation.

If those who maintain the theory of exclusion will point to some clause or provision in the Constitution which sustains it, the country will be better prepared for its consideration.

Even the slaves are not thought unworthy of recognition, and are, to the extent of three-fifths of their number, made a part of the aggregate constituency of the political department of the Government.

But because this and other provisions of the Constitution were made in reference to their condition of slavery, is it to be said that when they shall have ceased to be slaves they are, by some silent and unseen provision of the Constitution, to be excluded from all its provisions? If their condition be changed from slavery to freedom, the effect of such change upon their status under the clause of the Constitution quoted, is to incorporate them with that class from which there is no deduction in fixing the basis of representation. In what manner, then and by what provision of the Constitution of the United States are negroes, when free, excluded from recognition?

If we search the State Constitutions, there will be found in many, if not most of those of the free States, express recognition of the black man.

In that of the State of New York they are, under the description of "men of color," allowed to vote when they shall have been, for three years, citizens of the State, and for one year preceding the election at which they propose to vote, have been seized and possessed of a freehold estate of the value of two hundred and fifty dollars, above all debts and encumbrances

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thereon, and upon which they have paid a tax. I might refer to the Constitution of Massachusetts, and of many of the other States, for similar provisions, but it is unnecessary. In the face of such clear *affirmative* constitutional recognition, a declaration to the contrary may, perhaps, challenge admiration for its boldness.

If we are now to learn that the black race are ignored and excluded from citizenship by the Constitutions of States, by which they are required to perform all the ordinary duties pertaining to the citizen, and allowed the highest rights of freemen, including the right of suffrage—if the Constitution of New York excludes them, how, under its provisions, can they vote? And why and how is it that to-day, they are being drawn, as conscripts, under the late act of Congress?

Native-born men—free men—wielding a portion of the political power of Government, Federal as well as State, and with arms in their hands to defend the flag of the former—are not, whether white or black, without the pale of constitutional recognition.

The resort for proof of the correctness of the proposition under consideration will be, most probably, to the Constitutions of the Slave States. If so, then I have only to say, they are not the *only*, nor yet a *majority* of the Constitutions of this country, and do not therefore, prove the truth of the proposition—and, that if the extinction of slavery is a result of the rebellion, then it may be that even in the South some meaning and force may be attached to that provision of the Constitution of the United States, which declares that "The citizens of each State shall be "entitled to all the privileges and immunities of citizens in "the several States."

The proposition that the Government can and ought to force the colonization, in distant lands, of the negroes, when free, is as reprehensible in principle, and as unsupported by constitu-

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itenal authority, as is the one just disposed of. The power o- do this is claimed for the Government—(for it would be unt oharitable to suppose that its asserters would insist upon the Government taking so important a step without full authority)— to compel the black race to accept expatriation from the United States as a condition of freedom. If this power exists in the Government, I insist that the country shall be informed where it has been so long hidden away, and where it is now lodged. What provision of the Constitution confers it, either expressly, or as an incident of an express power? Every earnest thinker will desire to know, not only the source of the power, but the department of the Government to which it has been confided. Touching these important inquiries those who favor the policy of deportation are entirely silent. Much is said about the physical and mental inferiority of the black race, and we are left no alternative but to infer that the power is claimed for Government: 1st, because they (the blacks) are excluded from recognition by the Constitutions of the country; 2d, because they are physically and mentally inferior to the white race; and, 3d, (for such is a part of the argument), because if the two races are permitted to remain together, after the emancipation of the blacks, amalgamation will soon produce a piebald race, to the great detriment of society and government.

I say again that the favorers of this policy could never have urged it upon the country, unless they believed there was power in the Government to adopt and enforce it. Then, it must be, by application of the facts assumed in argument not to any particular provision, but to the whole body of the Constitution, that they distil the subtle power. The first of these assumed facts I have done with. The second I shall not dispute. I shall content myself with questioning the power of Government *to discriminate against* one class, or description, or nationality, of those

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within its jurisdiction, because of physical or mental inferiority to some other class, or description, or nationality.

This would cease to be a free government the moment the power should be permitted to it to determine, that because of difference of race—of color—of physical inferiority, or mental development, the right of the citizen could be determined.

If unhappily such power shall ever be exercised, it might, and probably would, upon a principle of impartiality, be applied to all alike. The principle could no doubt find its advocates, while there is just as little reason to doubt that some of them would fall the first victims to its impartial enforcement.

If on account of color—race—or physical or mental inferiority one class of people can be forcibly ejected from the territory of the Government, as a measure of policy, or on the plea of necessity—(the tyrant's plea the wide world over)—where will bounds be fixed to limit its exercise as often and upon whatever class of citizens the majority in power may, from time to time, desire?

Neither the foreign born or native citizens could rest easy under such a precedent.

As to precisely what would result in the way of amalgamation, from the two races living together in freedom, I cannot say. I am not sufficiently versed in physiology to determine what increased physical affinities of the two races would be developed by the blacks becoming free. I feel morally certain that the *facilities* for amalgamation would not thereby be increased.

The final argument in favour of the power claimed for the Government may be yet held in reserve. If so, perhaps it will be found, when pushed forward, to be something like this—"Africans and their descendants are *not and cannot* be citizens under the Constitution of the United States, and have no rights which white men are bound to respect."

I shall not review the Dred Scott decision. The legal and

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logical correctness of the opinion of the Court was, at the time it was pronounced, met by two learned Justices, not surpassed, if equalled, in the just estimation of the bar or of the country, by any other members of the Court, in dissenting opinions which have not been, and will never be, successfully answered; and the philosophic historian of our country has already truly traced its inhuman spirit and disastrous reasoning to the attempt of Southern slave owners to overthrow free government for the majority of the white race, the more firmly to rivet the chains upon the black race, which has culminated in this gigantic rebellion. Two and a half years of revolution, while they have been full of sorrows, have not been unfruitful of honest inquiry leading to the discovery and acknowledgment of truth. The great Teacher has from day to day impressed new ideas upon the public mind and suggested means adequate to the necessities of the hour. The despised negro, whose perpetual bondage was the leading object of the effort to overthrow free government, was at last considered by the Government as a possible means of aiding in its preservation. As freemen, they would no longer constitute the chief laboring and producing population of the rebellious States, but become soldiers of the Government, stimulated by its solemn act, which proclaimed their freedom before all the world and in the sight of Heaven. The result of that Proclamation is that they are to-day, many of them, in the ranks of our armies, and have already, on historic battle-fields, vindicated their right to freedom by their heroic defence of the flag of the free. They are native born—they live and have ever lived in the United States. They are free—they are fighting and dying for free government—for *this* Government. Why are they not its citizens? They are citizens in *fact*, in *reason*, and by every right that confers citizenship. And so they will henceforth be considered—the law proceeding from the right—and he who, ten years hence, shall dispute the fact will be pitied rather than blamed.

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What shall be said of the final proposition—" full pardon to the rebels, and the abrogation of your Proclamation of Emancipation?" There is nothing of opposition to free government, or of wrong to humanity and civilization, that is not embraced in this proposition. It justifies the rebellion in its acts and purposes—it asks, in effect, that the Government shall become the accuser of those who have labored most zealously to sustain and preserve it. It asks the Government to do more—to descend to a depth of infamy beyond that ever reached by any other—to admit, in the face of Christendom, that the Proclamation of Freedom to the Slaves was a deliberate cheat, meant only to dupe, for the time being, the anti-slavery sentiment of the world; and especially to deceive the negro, to the end that he might be induced to engage in the contest, the sooner to force the rebel master to receive him back and to acknowledge that he holds him under the Constitution of the United States.

In this connection it is well to remember that this *anti-slavery sentiment* is the fixed condition of the public mind of the civilized world. And to this sentiment, more than to all other causes, do we owe the fact that *non-intervention* by foreign governments in the great struggle now pending here, has so far been maintained.

At the period when the governing classes of some of the governments of the Old World, sympathizing with the aristocratic principle of slavery, and deeply interested in the preservation of the privileges of class, were just ready to proclaim intervention in American affairs, the Proclamation of Freedom to the slaves, issued by you as President of the United States and in solemn form, and the concurrent assertion of the rebels in the South, of their determination to maintain slavery as the corner stone of their new government, so awakened that deep sentiment of hostility to slavery in the masses of the people of those

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governments, and so attracted their active sympathies to this Government, as to effectually forestall intervention.

And to this sentiment thus aroused and stimulated by your grand Proclamation, and now outspoken in England, do we owe it to-day to be thankful that we see the emancipation party holding—*and holding firmly*, under the able guidance of John Bright—the balance of power in that Government.

In France too even Imperial power has not, so far, openly opposed the national sympathy on the side of freedom. If we are destined to encounter foreign enemies in this struggle, it will be most likely when by a vacillating policy in support of the Proclamation, or its abandonment, we have forfeited the confidence, the respect, and moral aid of the friends of freedom throughout the world. With the sympathies of Christendom with us, intervention is but a possibility—against us, it is a certainty.

The effect which a disavowal and retraction of the Proclamation would have upon the public mind of other nations is evident. It would at once paralyze the efforts of those who have hitherto stayed the action of their governments in proposed interference in our affairs.

It would weaken, if not destroy, the liberal party of France and England—it would surely convert them from friends to enemies of this Government, and thus break down the most powerful barrier to intervention and foreign war. Thus self-interest and national safety should alone suffice to prevent such madness.

But there is an argument higher than these which appeals directly to every Christian heart—an argument used by yourself in the terms of the Proclamation.

"*Upon this act—sincerely believed* (so runs the instrument) *to be an act of justice warranted by the Constitution upon military necessity—I invoke the considerate judgment of mankind and the gracious favor of Almighty God.*"

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Thus did the chief of a Christian people, before mankind, and in the sight of God, proclaim freedom to the slave, and by his official signature to the great act commit himself to its wisdom, its justice, and its constitutionality, and to the efficiency of its provisions.

That act was in pursuance of an act of Congress authorizing it. The power in the Congress to declare war carries with it, the power to provide the means and prescribe the necessary measures to make the war effective. It was in the exercise of this power that Congress acted. The war-making power, which is also the law-making power of the Government, said to the President, the commander in-chief of its armies, Do this thing, and it was done. It is unprofitable to attempt to prove to those who are unwilling to believe, that the act was constitutional. The majority of the people of the United States and of the civilized world so believe it and so sanction it.

If your proclamation was not then a mere assumption of power, but a valid act, done in the exercise of constitutional discretion, what power can abrogate or annul it? The act, if constitutionally done, is as irrevocable as is the act of the President in signing an act passed by the Congress. In either case discretion and power cease with the act. When the proclamation was issued it became the *law* of freedom to the slaves therein embraced—a law which I repeat is irrevocable by any power in the Government. Laws which are general in their character and create no vested right in the citizen, may be changed or repealed—but those which create personal rights and vest them in the citizen are protected from infraction by constitutional guarantees. A legislative grant to land cannot be revoked at the pleasure of the power making the grant. The enfranchisement of hundreds of thousands of people by the Government—the solemn act which raises them from

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slavery to freedom—is surely not less sacred and inviolable. There is no power in this Government to make slaves of freemen, white or black. While the civilized world has hailed the act with joy, it would shudder at an effort to recall it or impair its vital force. The policy of such a course would be as fatal to the peace and welfare of the country as the act would be atrocious in principle.

Those who propose it surely cannot yet comprehend the real design of the rebellion, and the change which it has produced in the relations of the different classes in the South. A restoration of "the Union as it was," to use a cant phrase of the day, is not a possible thing. If it means a restoration with slavery, then it will not be a Union of peace, prosperity, and happiness, but a Union of discord, hatred, and violence in the South which will sink it in barbarism. Can we hope for peace between the sections now at war, with slavery still existing? But if this were possible, how can it be expected that the rebels and loyal men of the South can live in peace in the future, the cause of the trouble—*slavery*—still in existence, the rebel masters more intolerant, jealous, and brutal than ever before, with arrogance increased by the victory which they will have achieved over the people and Government of the United States and the moral and political opinions of the civilized world? I know well that there are those who are impatient when "loyal men South" are mentioned in the consideration of these questions. Nevertheless, I insist most respectfully, but earnestly, that they *are* worthy of consideration because of their devotion to liberty and their Government, because of their sacrifices and sufferings, and because they constitute the only future strength of the Government in the South. They are to-day the *majority* of the South, whatever may be said or thought to the contrary. Their vindication is certain, if slow. Time will prove that the great body of the citizens of the South will

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gratefully return to the Union of their fathers, while it will more fully develope the undying hatred to free government of less than 300,000 slaveholders.

We need not further shut our eyes to the nature and disposition of the antagonistic forces now in conflict in this war. Men need not wonder at the convulsion resulting from the conspiracy, created solely by the pro-slavery spirit that plotted the rebellion. This conspiracy is now known to have embraced various objects in its scope. The determination to hold in bondage four millions of colored people with their increase, and to make such bondage perpetual, was the main object of the conspiracy. This determination formed the basis of all other measures, whether of intrigue, war, or diplomacy. It entered into every plan and calculation of the rebel leaders. The attempt to destroy the national unity grew out of the conspiracy against the colored man, and became necessary to accomplish the scheme of his perpetual bondage. There was an obstacle in the way. There were seven millions of non-slaveholders in the South. How could it be otherwise than that this population should, at no distant day, stand upon its rights and dictate that policy which should accord with its interests? It was the apprehension of this that led to the conspiracy against the political rights of these masses. It was a truth fully realized by the leading conspirators that slavery could not long exist against a union of the free labor forces North and South, blended by common sympathy; therefore the national unity must be destroyed. They said, "Slavery and democracy are incompatible," and this involved the necessity of a monopoly of political power by the slaveholders in order to maintain in perpetuity their political property in slaves. These are the motives which led them to attempt the destruction of the Government.

What has the nation now to say to this active intrigue to postpone the destruction of slavery, which is the antagonist of

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free government? Can it be possible that any man of sense, or judgment, desires such postponement? I ask you to contemplate the fruits of that narrow policy which has disfranchised a large portion of the white population South. I ask our countrymen to consider that educational neglect and political debauchment of the South, which have changed it from an element of national strength into an agency for the attempted accomplishment of national ruin. Compare the condition of the Southern white masses in their industrial interests with that of other sections. Let the political economist tell us what it is that gives the annual *per capita* production of $166.00 to every man, woman, and child in Massachusetts, whilst in South Carolina productive labor yields a *per capita* of $56.00 only. He will trace this disparity to the direct influence of slavery. The political philosopher may carry the inquiry farther, and show why it is that so much of the population of the North has become a questionable element of national strength. He will find the reason for it in a long continued sympathy with slavery. The encouragement of the slave system of the South by the North has progressed until it has so far contaminated not only Southern but even Northern society, as to seriously imperil the security of the nation.

It might have been supposed that the teachings of events would have set us right ere this. It seems, however, that the calamities of the country have had no power to instruct the political intriguers. Upon such, the active treason of the South, its attempt to destroy the nationality, the plot to overthrow free government, the claims of the masses of the South for protection, and all consideration of future security, are as nothing compared with the preservation of slavery—their only principle is *slavery conservatism*. The time has come for conservatism in the right direction. I think we have had enough of *slavery* conservatism. If we must still be conservatives, let

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us be conservatives of freedom; encouragers of humanity; promoters of such policy as makes men patriots, and keeps them so; and radical opposers of whatever tends to destroy republican government.

Every man in the country who still clings to the hope of a great nationality under the old ensign, desires the unity of our people. Upon what basis is this unity to be brought about? Slavery has pronounced democracy to be its opponent. Will unity be brought about by upholding slavery? It has aimed at the destruction of the national life. Will the national life be prolonged and secured by cherishing its antagonist? Slavery has conspired against the political rights of the non-slaveholding masses of the South. Is this in accordance with that just conservatism embraced in that clause of the Constitution which guaranties republican government to the people of all the States? It has unscrupulously aimed at the establishment of an order of nobility in the South, and endeavors to make its escape from under the Constitution which interdicts it. Will the further toleration of an institution which has attempted all this produce unity? Through the intrigues prompted by the pro-slavery spirit, the nation has been precipitated into civil war. The whole number of slaveholders has been more than equalled by the white men who have fallen in the conflict. What kind of a monument does slavery conservatism propose to erect to the memory of those thus sacrificed? Slavery will leave a war debt of gigantic magnitude for free industry to pay. In what way will conservatism reconcile the toil of the nation to the cause of its manifold calamities? Not, I apprehend, by pandering to slavery, and making it the basis of future intrigue and revolution.

The nation has had enough of *slavery* conservatism. It now demands not only a change, but a *radical* change. The future security of the nation depends upon the policy which shall be

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now adopted. Its strength results from civil liberty and free government—its only weakness has been the institution of slavery, which thwarted the development of those ideas. The great South, embracing more than eleven millions of human beings, all under proper guidance, an effective element of national strength, has one enemy only—that is *slavery conservatism.* The twenty millions of people in the North have had one insidious, mercenary, and atrocious enemy—*Slavery Conservatism!* The nation at large has had one enemy—*Slavery Conservatism!* The example in our country is only a repetition of what has been witnessed in all others. The process in freeing nations of the barbarisms of slavery has generally been slow, owing to the weakness of the anti-slavery forces. We have one advantage. The twenty millions of people devoted to free labor have it now in their power to make short work of American slavery. We shall soon know whether conservatism will make chronic the national disease, or whether a rapid and radical cure shall be effected. In the convalescence of this nation the open traitors may not prove to be its worst enemies.

The nation can no longer afford to indulge party tacticians in that line of intrigue which has heretofore proved its bane. The cause of nationality and free government is not alone in danger from domestic foes. The fall of Mexico, through weakness, created by factions, should warn us. The usurper is already triumphing over the ruins of republican government in that unhappy country. No one can doubt the concurrent desires between that usurper and the anti-democratic spirit which to-day animates and controls the rebellion. At this moment negotiations are pending, if not consummated, between the leading rebels in Texas who despair of success by the so-called Confederacy, and parties in northern Mexico, for a union of Texas with the States of Tamaulipas and Neuvo Leon and Coa-

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huila for the formation of a new government under the imperial sanction and favor of Louis Napoleon. This will give the long coveted opportunity to this despot to interfere in the affairs of this country with sufficient plausibility to relieve the act from the overwhelming censure of the French nation. If we are not now, we will at no distant day be standing upon the law of force and the preparation of the nation for warfare to save us from intervention. This is the only security we have. There are 800,000 colored men in the South, loyal by both nature and circumstance, the enemies of those who would overthrow the nationality, and capable of being made allies in the common cause of freedom, justice, and humanity. This force is not to be despised, for it is a force that can be counted on in any emergency that may call it into requisition. It has one simple platform in the ideal of its future—the desire to be free, and fidelity to the power that makes it free. It is this simple platform that may make the colored man an immense power on the side of nationality. It is worth more to the nation to-day, if properly treated, than all the slaveholders, coupled with all those who are now mouthing that abused word "conservatism." Conservatism for a long time repulsed the colored man and made him the efficient ally of the rebels. Alarm for the cause of nationality changed the policy, and commenced making the colored man the ally of freedom.

I know that there are those who, while they desire the freedom of the slaves, are greatly troubled to determine what should be done with them afterwards. And I have also observed that most frequently those who know least of the slaves of the South are most anxious in mind upon the subject. In three words the proper policy can be stated—

Let them alone.

There is no rightful power in the Government to force them from its territory—besides, it will be found that the late masters

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in the South and others will clamor more loudly against their speedy deportation than they now do against their freedom.

They will need, and must have, their labor (not forced but paid) until time and a change of population in the South shall dfurnish an adequate supply of white labor. When this perio arrives it is most probable, nay, it is certain, that the black race will begin to desire a home and a government exclusively their own. And then I shall be glad, if living, to see this Government extend a strong and generous hand to assist them. If we will, to-day, take care of the rebellion and its cause, as against domestic and foreign foes, the question of the future of the negro will take care of itself.

By your just Proclamation you gave the highest earthly sanction to the wise and noble policy of the enfranchisement of the black man, and by his enrollment in your armies for the defence of the country, you have confirmed it to the benefit of the nation. You will be urged to revoke that act. God forbid that you should listen to such advisers and so rob yourself of the gratitude and admiration of mankind.

The utterance of these sentiments may by some be deemed out of place and unseasonable. I can better afford to bear the censure of such than to forego my convictions of truth and duty.

With sincere wishes for your health and welfare,

I am very respectfully,

Your obedient servant,

A. J. HAMILTON.

To The President of the United States.

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